

Serial No. 09/628,733

REMARKS

Consideration of the amendments to the application is respectfully requested. The amendments are made pursuant to 37 C.F.R. 1.121. No new matter has been entered.

Status of Claims

Claims 1-8, 10-24 and 26 are pending in this application.

Claims 1-8 and 10-24 stand rejected.

Claim 25 has been cancelled.

Claim 9 previously cancelled.

Claims 1, 3, 6-8, 10-11, 13-18, 20, 21, and 24 have been amended.

Claim 26 has been added.

CLAIMS

Claim Objections

Regarding the section titled "Claim Objections", the Examiner objects to Claim 11 for depending on a cancelled claim. The dependency of Claim 11 has been amended to depend on Claim 1.

Accordingly, the objection to Claim 11 should be withdrawn.

Rejection – 35 USC 101

Regarding the section titled "Claim Rejections – 35 USC 101", the Examiner rejects Claims 1-8 and 10-25 "because the claimed invention is directed to non-statutory subject matter." The Examiner further states that "claims make only nominal use of technology and are therefore not within the technological arts." Claim 25 has been cancelled.

Claims 1 has been amended to add technological limitations in the form of means plus function. The technological limitations are emphasized below in amended Claim 1.

1. *A system for an interactive, computer-assisted on-line auction using a computer with a display, comprising:
means for displaying at least one graphical array on said display, each one graphical array including a plurality of objects from a category for auction, wherein each object is individually selectable for monitoring and hiding;*

Serial No. 09/628,733

means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display;

means for selecting one or more objects from the at least one graphical array for monitoring;

means for personalized auction monitoring of those objects selected by a bidder; and

means for displaying the monitored objects;

means for submitting a bid online for any one of the monitored objects.

In view of the amendments to Claim 1, Claim 1 and the dependent claims are replete with technological limitations that are "within the technological arts." Thus, the rejection under 35 USC 101, should be withdrawn.

Rejection under 35 USC 112, second paragraph

Regarding the section titled "Claim Rejections – 35 USC 112", the Examiner rejects Claims 1, 11, 16, 22, 23 and 25 "for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Examiner references the language "selectively". Claim 25 has been cancelled.

Applicant's specification is replete with the language "clicking" and discloses "mouse buttons". It is well known to use a mouse to click on an item for selecting an item, icon, or other displayed symbol. For example, the section set forth on pages 9-12, titled "BRIEF DESCRIPTION OF THE DRAWINGS" in relation to FIG. 4A states

FIG. 4A The "featured", and "search," or "category" browsing results are shown in a graphical array, with multiple-select capabilities. The "upcoming" auctions are announced in a cycling or stationary (scrolled to view) margin-strip at the right side. The "present" auctions are presented in rows

Each row of the array can advance to left, back to right, continually move (GO button) to show more items, or stop, at command by clicking on the command buttons at the left margin of the row. The "upcoming" column on the right has similar functions. The movement for the column is up-down movement. (Emphasis added)

In another paragraph of the specification, the specification states

Serial No. 09/628,733

A set of command buttons 28A, 28B, 28C and 28D are placed at the left margin of each row 22A, 22B, 22C and 22D, respectively, to enable each row 22A, 22B, 22C and 22D of the array to advance to the left, or back to the right by pressing the mouse button on the arrows 30 or 31, or to continually move for showing more items beyond the screen by clicking on the "GO" button 32, or stop at command by clicking on the "STOP" button 33. The "Other" button 34 allows the viewer to select to view items from other categorization. The "upcoming" column on the right (strip 24) has similar functions. The movement for the column is up-down movement via arrows 30' and 31' instead of the left-right for the rows of "present auctions." (Emphasis added)

In view of the above remarks and sample passages, Applicant's specification and drawings as originally filed, clearly defines "selectively" and the process for selecting or rendering items selectable by clicking with a mouse or other man-to-computer interface. Thus, the rejection under 35 USC 112, second paragraph should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471)**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claims 1-4, 6, 8, 10, 11, 15-18 and 25 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471). Claim 25 have been cancelled. Applicant has amended Claims 1-4, 6, 8, 10, 11 and 15-18 to better clarify Applicant's invention.

Applicant's Invention

Applicant's invention provides a display mechanism that displays both currently auctioned objects and objects that will be auctioned in the future. Applicant's invention allows bidders to monitor selected items currently auctioned and provides screens for ready access to the monitored items and to submit bids.

The present invention also allows a more orderly arrangement for displaying objects currently being auctioned by presenting objects of a category in an array. More than one array can be displayed. Since an array may include more objects than can be displayed on a display, each array is capable of being scrolled independently. Moreover,

Serial No. 09/628,733

each array can be continually cycled so that objects beyond the screen can be displayed.

With specific reference to Claim 1, amended Claim 1 reads as follows:

1. A system for an interactive, computer-assisted on-line auction using a computer with a display, comprising:

means for displaying at least one graphical array on said display, each one graphical array including a plurality of objects from a category for auction, wherein each object is individually selectable for monitoring and bidding;

means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display;

means for selecting one or more objects from the at least one graphical array for monitoring;

means for personalized auction monitoring of those objects selected by a bidder; and

means for displaying the monitored objects;

means for submitting a bid online for any one of the monitored objects. (Emphasis added)

Neither Fisher nor Hill teach the above emphasized claim language. More specifically, neither Fisher nor Hill teach a *“means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display”* in combination with the other claim limitations.

Applicant observes that Hill teaches scrolling. However, the scrolling by Hill is performed in a manner that uses a mouse to click on the slide window for up and down movement. The present invention provides for “commanding cycling continually”. Furthermore, Applicant observes that the display of Hill is not for auctioned items in an auction system.

New Claim 26 is similar but more specific than Claim 1.

In view of the foregoing remarks, the Claims 1 and 26 are allowable over the combination of Fisher as modified by Hill and the corresponding rejection under 35 USC 103(a) should be withdrawn. Since Claims 2-8 and 10-24 depend from independent Claim 1, then for the same reasons set forth above with regard to Claim 1, these dependent claims are also allowable over the combination of Fisher as modified by Hill and the corresponding rejection under 35 USC 103(a) should be withdrawn.

Serial No. 09/628,733

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Official
Notice**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claims 20-22 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Official Notice that alerts are known. Nevertheless, the rejection does not teach a "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and
further in view of Anderson (US 6,538,698)**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claims 20-22 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Anderson (US 6,538,698). Nevertheless, this rejection does not teach a "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and
further in view of Anderson (US 6,538,698)**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claims 5 and 7 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Anderson (US 6,538,698). Nevertheless, this rejection does not teach a "means, associated with a graphical array, for commanding

Serial No. 09/628,733

cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and
further in view of Anderson (US 6,538,698)**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claims 12-14 and 19 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Godin et al. (US 5,890,138). Nevertheless, this rejection does not teach a "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

With regard to Claim 14, the Examiner relies on the scroll bar in Hill for scrolling. However, the scroll bar is not "controls enabling the bidder to selectively stop and start scrolling of the first array and the second array, independently of the other array." In other words, there is no means described in Hill that allows the arrays to be scrolled independently.

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and
further in view of Burke (US 6,026,377)**

Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claim 23 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Burke (US 6,026,377). Nevertheless, this rejection does not teach a "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

Serial No. 09/628,733

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over
Fisher (US 5,835,896) in view of Hill (US 5,970,471) and
further in view of Hanson et al. (US 5,974,398)**

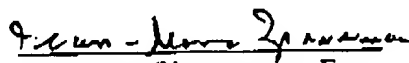
Regarding the section titled "Claim Rejections – 35 USC 103", the Examiner rejects Claim 24 as being unpatentable over Fisher (US 5,835,896) in view of Hill (US 5,970,471) and further in view of Hanson (US 5,974,398). Nevertheless, this rejection does not teach a "means, associated with a graphical array, for commanding cycling continually onto said display those objects, of said graphical array, beyond a screen of said display."

Accordingly, the corresponding rejection under 35 USC 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,



Jean-Marc Zimmerman, Esq.
Reg. No. 36,978
226 St. Paul Street
Westfield, New Jersey 07090
(908) 654-8000

Dated: May 4, 2004
Westfield, New Jersey

Serial No. 09/628,733

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on May 4, 2004, I caused an Amendment for U.S. Patent Application Serial No. 09/628,773 to be mailed by first class mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Jean-Marc Zimmerman